

REMARKS

Reconsideration of the pending application is respectfully requested on the basis of the following particulars.

1. In the claims

As shown in the foregoing amendment to the claims, the claims have been amended to more clearly point out the subject matter for which protection is sought, to correct minor informalities and to provide more clarity. No new matter is added.

Claims 1-7 are cancelled without prejudice.

Claim 8 is amended to clarify that there is a "first message" and a "second message", and to include the limitation, from now cancelled claim 9, that "the apparatus is a smart card."

Claim 9 is cancelled without prejudice.

Claim 10 is amended to clarify the value is the "second" threshold value.

Claims 11-13 are left unchanged

Claim 14 is amended to clarify the value is the "second" threshold value.

Claims 15 and 16 are amended to recite the "second" message.

Claim 17 is cancelled without prejudice.

Claim 18 is left unchanged

Entry of the amendment to the claims is respectfully requested in the next Office communication.

2. Rejection of claims 7 and 17 under 35 U.S.C. § 112, first paragraph

This rejection is rendered moot with the cancellation of claims 7 and 17.

Withdrawal of this rejection is respectfully requested.

3. Rejection of claims 5, 6, 9, 15 and 16 under 35 U.S.C. § 112, second paragraph

With regards to claims 5, 6 and 9, this rejection is rendered moot with the cancellation of claims 5, 6 and 9.

With regards to claims 15 and 16, this rejection is rendered moot with the clarification in claim 8 that there is a "first message" and a "second message" and the recitation in claims 15 and 16 of the "second message."

Withdrawal of this rejection is respectfully requested.

4. Rejection of claims 1-3, 5-6, 8-13, 15-16 under 35 U.S.C. § 102(e) as being anticipated by U.S. patent 6,549,118 (Seal et al.)

With regards to claims 1-3 and 5-6, this rejection is rendered moot with the cancellation of claims 1-3 and 5-6.

With regards to claims 8-13, 15-16, this rejection is respectfully traversed, in view of the amendment to claim 8, on the basis that the Seal et al. patent does not disclose every limitation of pending claims 8, 10-13, 15 and 16.

The Seal et al. patent does not disclose that "the apparatus is a smart card" as is now required by pending claim 8.

The Seal et al. patent does not disclose that "the apparatus is a smart card", but instead discloses a hard disk drive. The Seal et al. patent discloses a complicated network with a client computer system (120) communicating over a network (140) with a server (160). The Seal et al. patent discloses the server being connected to a hard disk drive (170).

The rejection seems to rely on the hard disk drive as disclosing a "smart card." A hard disk drive is simply not a "smart card", and is not equivalent to a "smart card." A hard disk drive functions differently than a "smart card." A hard disk drive has a

rotatable medium and a head to read stored data from the rotatable medium. A “smart card” typically has a variety of components, but no rotatable medium and head.

The Seal et al. patent also fails to disclose a suggestion or motivation to provide a “smart card” to the system, including the network. There is no suggestion in the Seal et al. patent that a “smart card” would perform the function of the hard disk drive. Therefore, there is no motivation to replace the hard disk drive of the Seal et al. patent with a “smart card.”

Withdrawal of this rejection is respectfully requested.

5. Rejection of claims 4 and 14 under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent 6,549,118 (Seal et al.)

With regards to claim 4, this rejection is rendered moot with the cancellation of claim 4.

Reconsideration of this rejection is respectfully requested, with regards to claim 14, in view of the amendment to claim 8, on the basis that the Seal et al. patent does not disclose every limitation of pending claim 14.

Pending dependent claim 14 includes all of the limitations of amended claim 8, including a “smart card.” Since the Seal et al. patent fails to disclose a “smart card”, as discussed above in section 4, the Seal et al. patent does not disclose every limitation of pending claim 14.

Withdrawal of this rejection is respectfully requested.

6. Rejection of claims 7 and 17 under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent 6,549,118 (Seal et al.) in view of U.S. patent 5,768,382 (Schneier et al.)

With regards to claim 7, this rejection is rendered moot with the cancellation of claim 7.

Application No.: 10/030,164  
Examiner: A. L. Nalven  
Art Unit: 2134

Reconsideration of this rejection is respectfully requested, with regards to claim 17, in view of the amendment to claim 8, on the basis that the Seal et al. patent does not disclose every limitation of pending claim 17.

Pending dependent claim 17 includes all of the limitations of amended claim 8, including a "smart card." Since the Seal et al. patent fails to disclose a "smart card", as discussed above in section 4, the Seal et al. patent does not disclose every limitation of pending claim 17.

Additionally the Schneier et al. patent fails to disclose or suggest replacing the hard disk drive in a computer network with a "smart card."

Withdrawal of this rejection is respectfully requested.

Application No.: 10/030,164  
Examiner: A. L. Nalven  
Art Unit: 2134

7. Conclusion

As a result of the amendment to the claims, and further in view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is respectfully requested that every pending claim in the present application be allowed and the application be passed to issue.

If any issues remain that may be resolved by a telephone or facsimile communication with the applicants' attorney, the examiner is invited to contact the undersigned at the numbers shown below.

BACON & THOMAS, PLLC  
625 Slaters Lane, Fourth Floor  
Alexandria, Virginia 22314-1176  
Phone: (703) 683-0500  
Facsimile: (703) 683-1080

Date: February 2, 2006

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Justin J. Cassell", written in a cursive style.

JUSTIN J. CASSELL  
Attorney for Applicants  
Registration No. 46,205